

REMARKS

In response to the Election of Species Requirement set forth in the Office Action dated January 29, 2003, Applicants provisionally elect the species shown in Figure 2 of the application. It is believed that claims 1, 2, 3, 4, 5, 6, 9, 10 and 11 are generic to all of the species. Claim 7 and 13 have been amended herein to read only on the elected species and claims 8 and 14 read on the elected species. Claims 12 and 15 have been canceled as being directed to non-elected species. Thus, claims 1-10, 11, 13 and 14 presently read on the elected species.

Notwithstanding the above election, the Applicants respectfully traverse the Examiner's Election of Species Requirement and request that the Requirement be withdrawn and that the Examiner consider all of the claims.

The present application was filed under 35 U.S.C. §371 and thus is subject to unity of invention practice. In this regard it is respectfully requested that the Examiner refer to PCT Applicant's Guide Vol. 1/A, paragraph 138, PCT Article 27 and PCT Rule 13, the relevant portions of which are provided below.

Paragraph 138 in the PCT Applicant's Guide states:

“An international application which complies with the unity of invention requirements laid down in Rule 13 must be accepted by all the designated and elected Offices, since Article 27(1) does not allow any national law to require compliance with requirements relating to the contents of the international application different from or additional to those provided for in the PCT.”

PCT Article 27(1) reads as follows:

“No national law shall require compliance with requirements relating to the form of contents of the international application different from or additional to those which are provided for in this Treaty and the Regulations.”

With the above sections in mind, the Examiner is advised that the Examiner at the International Stage did not raise any objections under PCT Rule 13. Thus, it is submitted that it is improper for the Examiner to now raise an objection under PCT Rule 13 since such objection would be contrary to PCT Article 27(1) as set forth above.

Moreover, upon close review of PCT Rule 13 it is submitted that the claims presented in the application relate to a single general inventive concept and thus are in compliance with PCT Rule 13.

PCT Rule 13.4 PCT states:

“Subject to Rule 13.1, it shall be permitted to include in the same international application a reasonable number of dependent claims, claiming specific forms of the invention claimed in an independent claim, even where the features of any dependent claim could be considered as constituting in themselves an invention.”

An invention is thus claimed in an independent claim and specific forms of said invention is claimed in dependent claims. In the present case, independent claims 1, 9 and 15 set forth a general single inventive concept and the dependent claims recite various features of that inventive concept.

More specifically, independent claim 1 recites a method for securing horizontally loaded cargo units on a vessel. According to the method, the cargo units are secured to the vessel and/or to an adjacent cargo unit by means of securing elements placed on sides of each cargo unit. In this manner the cargo units are secured in place on the vessel.

Independent claim 9 relates to a device for securing horizontally loaded cargo units on a

vessel, the device comprising a securing element located on the side of each cargo unit, the securing element being adapted to secure adjacent cargo units to one another or to secure the cargo unit to bulkhead of the vessel.

Claim 15 relates a device for securing a semitrailer on a vessel, wherein the device is a trestle *including securing elements of the same type recited in claims 1 and 9*. Claim 15 also specifies that the trestle is used to secure a semitrailer on a vessel.

The dependent claims that depend claims 1, 9 and 15 merely further define various features of the general inventive concept. Since claims 1, 9 and 15 relate to the same general inventive concept and the dependent claims merely define various features of this general concept, it is submitted that claims clearly comply with the requirement of unity under PCT Rule 13.

In view of the foregoing, it is requested that the Examiner withdraw his election of species requirement.

A petition for a one-month extension of time, extending the time for response from February 28, 2003 to March 28, 2003, is enclosed herewith together with the petition fee. In the event that any other fee is due the Commissioner is hereby authorized to charge such fee to Deposit Account No. 50-0518.

An early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

STEINBERG & RASKIN, P.C.

A handwritten signature in dark ink, appearing to be 'Paul J. Higgins', written over a horizontal line.

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